

60,246-160
10,408

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application: Kolk, et al.
Serial No.: 10,067,103
Filed: 02/04/2002
Group Art Unit: 2863
Examiner: Shah, Kamini S.
For: TEMPERATURE CONTROL BALANCING DESIRED
COMFORT WITH ENERGY COST SAVINGS

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on September 24, 2003.

Applicant respectfully requests the Examiner to reconsider the interpretation of the *Gruber, et al.* reference. There is nothing within the *Gruber, et al.* reference that corresponds to the claimed performance index. That reference cannot possibly anticipate Applicant's claims.

Respectfully submitted,

CARLSON, GASKEY & OLDS



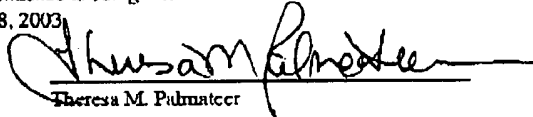
By: _____
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Dated: November 18, 2003

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9319) on November 18, 2003.


Theresa M. Palmatier

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